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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION OF
NORTHERN CALIFORNIA and
LAWYERS COMMITTEE FOR CIVIL RIGHTS
OF THE SAN FRANCISCO BAY AREA,

Plaintiff,

v.

DEPARTMENT OF HOMELAND
SECURITY,

Defendant.

PJH 08-2744

**STIPULATED REQUEST FOR AN
ORDER ENLARGING THE TIME FOR
DEFENDANT TO MOVE FOR
SUMMARY JUDGMENT**

Pursuant to Civil L.R. 6-2, the parties, through undersigned counsel, hereby stipulate to an enlargement of time, up to and including Tuesday, May 26, 2009, for Defendant to move for summary judgment.¹ As grounds for this stipulation, Defendant states as follows:

1. On February 17, 2009, Defendant provided a supplemental production of approximately 980 documents to Plaintiff's counsel.

¹ Defendant's summary judgment motion is currently due on April 24, 2009.

2. Based on the Plaintiff's desire for additional time to review the supplemental production and assess the need for further litigation, on February 26, 2009, Plaintiff filed a stipulation requesting additional time for Defendant to move for summary judgment.

3. On March 17, 2009, in a "meet-and-confer" letter, Plaintiff's counsel indicated that Plaintiff had completed their review of Defendant's supplemental production and requested that Defendant conduct a second supplemental search and production of documents.

4. Defendant has considered Plaintiff's request and after telephonic consultation by counsel for the parties, the parties are entering into settlement discussions.

5. In order to continue and complete settlement negotiations, the parties seek an enlargement of 30 days for Defendant to begin the opening round of summary judgment briefing. Defendant's summary judgment brief is currently due on April 24, 2009; the parties stipulate and request that Defendant summary judgment be due on May 26, 2009.

6. This stipulation is supported by the Declaration of Isaac Campbell, filed herewith.

7. An extension of the due date for Defendant's motion for summary judgment would require the current briefing schedule to be altered. The parties propose the following modified schedule:

- ➡ Defendant's Motion for Summary Judgment – due on Tuesday, May 26, 2009
- ➡ Plaintiff's Opposition/Cross-Motion – due on Tuesday, June 16, 2009
- ➡ Defendant's Reply/Opposition – due on Tuesday, June 30, 2009
- ➡ Plaintiff's Reply – due on Tuesday, July 7, 2009
- ➡ Summary Judgment Hearing – Wednesday, August 12, 2009

For the reasons set forth above, and in the Declaration of Isaac R. Campbell, the parties hereby move for an order granting Defendant until Friday, May 26, 2009, to move for summary judgment and further adjusting the briefing schedule as agreed to by the parties.

Dated: April 20, 2009

/s/ Isaac R. Campbell
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4/20/09 Stip. Req. For Order Changing Time of Due Date of Def's Summ. Judg. Mot. 08-2744 (PJH)

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7 **ORDER**

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9 DATED: April 21, 2009

